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6

7   UNITED STATES DISTRICT COURT

8   DISTRICT OF ARIZONA

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    Valentino Dimitrov, individually, and on   Case No.: 2:23-CV-00226-PHX-DJH
10 behalf of all others similarly situated;

11   Plaintiffs,
         vs.
12 Stavatti Aerospace, Ltd, a Minnesota
    corporation; Stavatti Aerospace, Ltd, a   **PLAINTIFF'S MOTION TO DEEM**
13 Wyoming corporation; Stavatti   **ANSWERS TO REQUESTS FOR**
    Corporation, a Minnesota corporation;   **ADMISSIONS ADMITTED**
14 Stavatti Immobiliare Ltd, a Wyoming
    corporation; Stavatti Industries, Ltd, a
15 Wyoming corporation; Stavatti Niagara,
    Ltd., a New York corporation Stavatti
16 Super Fulcrum, Ltd, a Wyoming
    corporation; Stavatti Ukraine, a Ukrainian
17 business entity; Stavatti Heavy Industries
    Ltd, a Hawaii corporation; Christopher
18 Beskar and Maja Beskar, husband and wife;
    Brian Colvin and Corrina Colvin, husband
19 and wife; John Simon and Jean Simon,
    husband and wife; William Mcewen and
20 Patricia Mcewen, husband wife; Rudy
    Chacon and Jane Doe Chacon, husband and
21 wife; and Does 1 through 10, inclusive,
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23
                             Defendants.
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25   Plaintiff Valentino Dimitrov ("Dimitrov"), by and through undersigned counsel,

26 respectfully moves this Court for an order pursuant to Federal Rule of Civil Procedure

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36(a)(3) deeming Plaintiff's requests for admissions to Defendant Brian Colvin's ("Defendant") as admitted for failure to respond. In support of this Motion, Plaintiff states the following:

I.   Factual Background

On December 12, 2024, Plaintiff served Defendant with a set of Requests for Admissions pursuant to Rule 36 of the Federal Rules of Civil Procedure. A true and correct copy of the Requests for Admissions and email serving Defendant's counsel is attached hereto as **Exhibit A**.

II.   Defendant Brian Colvin's Failure to Respond

Under Rule 36(a)(3) of the Federal Rules of Civil Procedure, a matter is admitted unless, within thirty (30) days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection. Defendant's responses to Plaintiff's Requests for Admissions were due on or before January 13, 2025. As of the filing of this Motion, Defendant has failed to serve any responses or objections to Plaintiff's Requests for Admissions. Pursuant to Rule 36(a)(3), Defendant's failure to respond within the time required results in the automatic admission of each matter requested.

III.   Legal Argument

Under the Federal Rules of Civil Procedure, any request for admission that is not answered or objected to within thirty (30) days after service is deemed admitted without further action. Fed. R. Civ. P. 36(a)(3). A party may seek a court order confirming that these admissions are conclusively established. Fed. R. Civ. P. 36(b). Due to Defendant's failure to respond or otherwise object to the Requests for Admissions, each matter contained in Plaintiff's Requests for Admissions should be deemed conclusively admitted for purposes of this action.

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IV.   Conclusion

In light of Defendant's failure to provide timely responses to the Requests for Admissions, Plaintiff respectfully requests that the Court enter the attached Proposed Order Deeming Plaintiff's Requests for Admissions Admitted pursuant to Rule 36(a)(3) of the Federal Rules of Civil Procedure and granting such other and further relief as this Court deems just and proper.

DATED this 22nd day of January 2025.

ENARA LAW, PLLC

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By: /s/ *George K. Chebat*
    George K. Chebat
    Ross P. Meyer
    Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of January 2025, a copy of the foregoing was transmitted electronically to the CM/ECF filing system for filing and transmittal along with copies transmitted to all parties and counsel of record via the CM/ECF system.

By: *Shelly N. Witgen, ACP*